

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**ANDREAS PEFANIS on behalf of himself
and others similarly situated,**

INDEX NO: 08-CV-002 (DC)

Plaintiff,

v.

WESTWAY DINER, INC.,

Defendant.

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DECLARATION OF SALVADOR PERALTA

I, Salvador Peralta, under penalty of perjury, affirm as follows:

1. I am a New York resident and an opt-in plaintiff in the above-captioned matter.

2. I submit this declaration based on personal knowledge unless indicated otherwise.

3. I began working as a dishwasher at Westway Diner in 1992. In 1996 I began working as a salad man at Westway Diner. I resigned from Westway Diner in April 2008.

4. My work schedule was 6:00 a.m. to 4:00 p.m., Monday through Saturday. I occasionally worked more time than I was scheduled for.

5. Starting in 1998, my salary was \$450 per week. I was paid part of this in cash and part by check, but the total pay I received was \$450 per week. At some point in

2007, my salary was increased to \$475 per week. I continued to receive some of my pay in cash and some of it by check. As a salad man, I did not receive tips.

6. Even though I typically worked sixty hours a week, I was never paid time and a half for hours worked in excess of forty in a week.

7. I was never paid an extra hour's pay at the minimum wage on days I worked ten or more hours.

8. After I opted-in to this lawsuit, a current employee told me that Kyriakos Dafnos told employees of Westway Diner that the notice to opt-in to this lawsuit they received was garbage. He also told me that some employees were afraid to opt-in to this lawsuit because of their immigration status.

Date: February 20, 2009



Salvador Peralta